

FARMINGTON CITY – CITY COUNCIL MINUTES

OCTOBER 20, 2020

WORK SESSION

Present: Mayor Jim Talbot; City Manager Shane Pace; City Councilmembers Brett Anderson, Scott Isaacson, Shawn Beus, Amy Shumway, and Rebecca Wayment; City Recorder Holly Gadd; City Deputy Recorder Heidi Bouck; Community Development Director Dave Petersen; Planning and GIS Specialist Shannon Hansell; Assistant City Manager/Economic Development Director Brigham Mellor; Finance Director Greg Davis; Assistant City Manager/City Engineer Chad Boshell; City Attorney Todd Godfrey; and Recording Secretary Deanne Chaston.

BUSINESS PARK DISCUSSION

Mayor **Jim Talbot** called the meeting to order at 6:08 p.m.

City Attorney **Todd Godfrey** addressed the Council. He said the City Council had the opportunity to review the draft agreements, and he has heard back from Councilman **Scott Isaacson** with some suggestions. These suggestions were technical, not substantive, and clarifying in every case. A definition of the term “tax increment,” referencing the state statute, was added in Section 1.21 of the Agreement for Development of Land (ADL). **Godfrey** said that he has never seen a definition of this term in the more than a dozen ADLs he has been involved with over his career.

Section 2.1 (B) added language clarifying “completion of office building” as the developer having completed construction of “and received occupancy for” the office building. He said worst case scenario is the developer keeps the building permit active by only doing something every six months, which can keep a building under construction for a long time. Community Development Director **Dave Petersen** said he has seen examples of a building being under construction for 21 years.

Godfrey said Section 2.2 adds language to indicate the circumstances of the interest bearing retention account. The language “interest on retention amounts paid to Developer shall not increase the Maximum Aggregate Incentive” makes it clear those monies go toward the \$34 million maximum aggregate. Section 5.2 (B) eliminating the reference to “or sale of developed portions” clarifies and cleans up language.

Isaacson asked that Section 6.1 (B) cross reference 1.19, the definition of “incentive,” and that all cross references be checked. **Godfrey** said Section 6.2 added provisions for affordable housing, calling for 10 percent of the Tax Increment to be used for affordable housing purposes.

Having reviewed the ADL changes, **Godfrey** asked that the City Council consider that all documents [ADL, Project Master Plan (PMP), Development Agreement (DA), and Rezone] travel together, and that the approval of one is conditioned on approval of the others. Blanks have been left for exhibits, dates of conforming documents, and the Community Reinvestment Act (CRA) budget. He asked that the Council’s motion allow those blanks to be filled in before the documents are signed, as well as allow for council member review before **Mayor Talbot’s**

signature. Assistant City Manager/Economic Development Director **Brigham Mellor** suggested that any comments made by the Council tonight also be included in the agreement.

Godfrey said that some redlined changes are not showing in the DA draft in front of the Council tonight. Paragraph 3 should include effectiveness only if all parcels are acquired, an all or nothing scenario. He wants to make it clear that if for some reason some part of the property is not acquired, then this agreement is not effective. After **Isaacson** questioned the effective date in the introductory paragraph, **Godfrey** said it should read “all parcels.”

In Paragraph 5c. of the DA, he said it is the correct language in blue, but it is in the wrong place. This was meant to address the remote possibility that the developer would not work on construction quickly. **Isaacson** clarified that the 3-to-1 ratio is in reference to 3 acres of residential to 1 acre of office. He asked if that 1 acre is defined as the building footprint, the area, and parking. **Godfrey** clarified that the office acreage would include parking adjacent to the building.

Isaacson asked if the energy efficiency standards referenced in 5d. should be per the date constructed, because standards might get better in the future. That way, buildings starting in 30 years may have better LEED Silver, Energy Star, and ASHRAE standards than construction proceeding today. City Manager **Shane Pace** said that is a problem **STACK** pointed out, and that tonight the Council is not seeing the latest DA version that the developer had most recently given staff. It is missing three changes **STACK** had made.

Isaacson mentioned the termination paragraph, including the language about not commencing within five years of principal roads. This should be defined, incorporating the definition of major public streets found in the DA. **Petersen** suggested referencing Chapter 18 of the City ordinance. **Isaacson** also mentioned that Wasatch Farmington Holdings, LLC be added as a signatory. **Godfrey** said 5.d. used to have reference to the remote transit hub, but that reference has been removed. That was the only change of substance.

Petersen said on Page 10 Paragraph 1 of the PMP regarding land use development parameters, he likes striking the word “will” and replacing it with the word “may” in reference to including mixed use. He thought it was soft and general enough, but invited Council input. **Mayor Talbot** agreed, and all members of the Council nodded in agreement. **Isaacson** noted that all cross references in the PMP going to Section K should be changed to the updated 5J.

Applicant **Andrew Bybee** representing **STACK** addressed the Council. He suggested adding Wasatch Farmington Holdings, LLC as a party to the agreement as a land owner. **Mayor Talbot** said Wasatch has closed on the property, so it is just an update. **Bybee** said on Page 6, he would like clarification of the site road property situated in the PMP boundary, which would include the Wasatch property. He also suggested changes to the second to last sentence in 1.2 regarding the incentive period, and the last sentence regarding property tax. **Mayor Talbot** said he, **Pace**, **Mellor**, and Staff agree with the changes, and things need to be accurate. **Godfrey** said he is comfortable with those, as well as **Isaacson**’s suggestions. He knows the policy questions, and likes the revisions. **Mayor Talbot** said the Council has legislative powers as this moves forward, and for tax increments, the developer only gets what they build. This protects the City.

Isaacson said in his line of work, he regularly sees mechanisms for ongoing dispute resolution in large contracts. He was surprised not to see something similar in this long-term contract with so much money at stake. He would like to add that to this agreement, so that if there is a disagreement in the future, the parties agree to try to handle it through mediation before going to court. **Godfrey** said he is not opposed to it, but has never seen it. He said the Council should consider including a mediation clause in the ADL, with **Isaacson** having the chance to review it before signature. **Bybee** agreed to that. **Mayor Talbot** said he sees wisdom in that, and that recently **Chris Roybal** filled that role in renewing these negotiations. **Isaacson** said this contract could span to 27 years, while **Mayor Talbot** said he hopes it is more like 15 or 16 years.

Isaacson asked if the agreements should consider adjusting for inflation. **Mayor Talbot** said that would be difficult to chew on at this point, and he has never seen anything like that in things he has done, while **Godfrey** agreed. **Mellor** suggested looking at it like Truth in Taxation, where the rate is adjusted to keep collecting the same amount of taxes.

Mayor Talbot praised the Staff, Council, and developer for coming together, pointing out that this is a different contract today than it was in April. There has been give and take on both sides. While there may be future issues, he suggests moving forward with these agreements.

Pace said he has been living this issue for 1.5 years now. In the beginning, he and **Mellor** brought in at least four developers to look at this project. **STACK** caught the vision from the beginning, and enhanced that vision. While there were hard times along the way, brief time away gave both parties perspective and brought about cooperation. **Pace** is comfortable with the DA and Reimbursement Agreement. If Farmington can get a product like the **STACK** products in Salt Lake and Lehi, the City will get what is wanted for the community. One of the main reasons Farmington wants this project is to create a daytime population to strengthen Station Park and sales tax revenue. Without that, the City would have to rely completely on Station Park to update and keep their tenants.

Wayment asked **Mellor** to share his thoughts, as he was hired to get this project off the ground before **Pace** was hired. **Mellor** said that just before this meeting, he was with the School Board trying to get an extension on the tax increment agreement. He explained to them the negotiations with **STACK**, and he felt all parties had come to a good agreement. He said it is important that the City act as good stewards of the tax increment money that involves other entities such as the School Board, which has expressed confidence in the agreement. **Mellor** said he genuinely thinks this is a good deal, although there will probably be bumps to get through in the future. He is excited to begin this working relationship.

REGULAR SESSION

Present: Mayor Jim Talbot; City Manager Shane Pace; City Councilmembers Brett Anderson, Scott Isaacson, Shawn Beus, Amy Shumway, and Rebecca Wayment; City Recorder Holly Gadd; City Deputy Recorder Heidi Bouck; Community Development Director Dave Petersen; Planning and GIS Specialist Shannon Hansell; Assistant City Manager/Economic Development Director Brigham Mellor; Finance Director Greg Davis; Assistant City Manager/City Engineer Chad Boshell; City Attorney Todd Godfrey; and Recording Secretary Deanne Chaston.

CALL TO ORDER:

Mayor **Jim Talbot** called the meeting to order at 7:05 p.m.

Roll Call (Opening Comments/Invocation/Pledge of Allegiance)

Councilman Brett Anderson offered the invocation, and the Pledge of Allegiance was led by **Councilman Scott Isaacson**.

PUBLIC HEARINGS:

North Farmington Station Zone Change

Mayor Talbot said this project has been in the works for a year and a half, and is north of the McDonald's property. The applicant would like to change the zone on 36.5 acres from Agricultural (A) to the Office Mixed Use (OMU) and Open Space (OS) zone. The Staff has recommended that the City Council approve this.

Community Development Director **Dave Petersen** presented this agenda item. The City's General Plan calls for the creek to be a trail corridor with open space. This needs to be staked with the developer so it makes sense, and the Development Agreement (DA) addresses this as well. It is important the rezone is done first, as the Project Master Plan (PMP) can't go on an Agricultural zone. The whole North Farmington Station project is hundreds of acres, most of which is already zoned OMU. However, this 36.5 acres is still zoned Agricultural, and the developer would like it to be rezoned to OMU and OS.

Applicants **Andrew Bybee** and **Nathan Ricks** represented STACK and addressed the Council. They said this iteration of the project is a better deal for both parties, and it is never easy to get a project of this size together. It is a big job that required big sacrifices on both sides.

Mayor Talbot opened the Public Hearing.

Kyle Stowell (1764 W. Burke Lane, Farmington, Utah) addressed the Council. While he feels residents' concerns were listened to, he doesn't like the whole idea in principle. He recognizes that the two-story buildings next to the Denver and Rio Grande Western Rail Trail (D&RGW Trail) are a compromise, and appreciates the 36 foot height limit in the residential area.

Mayor Talbot closed the Public Hearing. He said the City Council had spent an hour in the previous work session going over this, and have gone through the DA thoroughly.

Anderson asked if the Council was OK with open-ended open space. **Petersen** said plans for the open space will be finalized with future specific site plans. Councilman **Shawn Beus** said he appreciates the ability to work out the open space in the future, which will enable taking special consideration for the creek and open space around it.

Motion:

Beus moved that the City Council approve the enabling ordinance to rezone approximately 36.5 acres of property from Agriculture (A) to Office Mixed Use (OMU) and Open Space (OS) with the following conditions: The applicant must stake the proposed location of the trail(s) adjacent to Spring Creek from the Union Pacific tracks to the west boundary of the Project Master Plan (PMP) and thereafter upon a favorable site visit and inspection by Staff, the City Council shall rezone an acceptable amount of property abutting the center line of Spring Creek to OS; as well as include findings for approval 1-3. This is conditioned upon the approval of the Reimbursement Agreement (RA) by the Redevelopment Agency (RDA).

Findings include:

1. The zone change is necessary to allow office buildings next to Interstate 15. Such buildings are not an allowed use in the existing A zone.
2. The approval is in the public interest because it will further economic development in the City including, among other things, a better, more robust short- and long-term diversified tax base, and a daytime population for Station Park. Moreover, more residents will find employment in Farmington City instead of elsewhere, or in another county. This will provide a direct benefit of fewer commuters, less congestion, and cleaner air.
3. The zone is consistent with the city general plan, which classifies the area for Class A Business Park uses, and it is in harmony with the objectives and purpose of the zoning ordinance.

Anderson seconded the motion. All Council members voted in favor, as there was no opposing vote.

North Farmington Station Project Master Plan (PMP) and Development Agreement (DA)

Mayor Talbot noted that City Staff recommends approval of this item.

Petersen presented this agenda item. In 2004, the City started master planning the “golden triangle” as a Class A business park. In 2008, the rest of the area was master planned as a business park. In November of 2016, Chartwell Capital and the City contracted with Urban Design Associates (UDA) out of Pittsburgh to conduct a planning charrette, which produced a conceptual master plan for the 220 acres of property north of Shepard Creek, west of the Union Pacific tracks, east of the Denver and Rio Grande Western Rail Trail (D&RGW Trail), and south of Shepard Lane. The charrette process involved receiving input from a number of stakeholders including 13 property owners within and adjacent to the project area, City Staff, local elected officials, and representatives from Chartwell Capital. The end result was a master plan document, or sub-area master plan to the City’s General Plan, intended to guide and inform the development of a future mixed-use office park.

On Tuesday, June 2, 2020, Farmington City held an open house to receive citizen input regarding a proposed realignment to Commerce Drive, which is the major north-south street intended to connect 950 North to Park Lane. The UDA plan shows the corridor for this principal street close to I-15 and the Union Pacific tracks. The proposed alignment, however, is located further west at 1525 West. The North Farmington Station West PMP places the Commerce Drive corridor in an alignment consistent with the information presented at the open house. **Petersen** said pushing Commerce Drive to the west was a compromise, and it is as far away from the new interchange as the Utah Department of Transportation (UDOT) would permit.

Except for the 36.5 acres, all the other property is zoned OMU, which does not allow residential uses. However, as per Section 11-18-140 of the Zoning Ordinance, residential uses may be possible in this zone. The Planning Commission considered the PMP and agreement on July 9, 2020, and prepared and approved their final recommendation on July 13, 2020.

Petersen said that STACK came up with the idea of a remote transportation hub (marked as the tan area) in the heart of the office park, which would be a maximum of seven stories in height. The mixed-use residential (marked in orange) is the gateway to the office area to the north, with a maximum of four stories in height. The office buildings would need to be five stories tall to have visibility from the freeway, considering the railroad embankment. The residential buildings to the west against the existing single-family residences would be limited to 36 feet high.

Petersen said the Planning Commission would like to prohibit residential uses in the red and blue areas. They suggest moving forward with residential development in the orange areas on Burke Lane and yellow areas, with the rest not developable until the first office building is under construction. The remaining residential would be approved in a ratio of 3 to 1 acre, which includes both the office building and parking. **Isaacson** said the word “residential” on page 10, paragraph b of the PMP needs to be struck.

Applicant **Andrew Bybee** representing STACK addressed the Council. He said the original intent was to allow flexibility for residential or commercial in the front office space, with parking on the west to shield parking with residential row houses along the road. Another option is to do parking on the back against the berm. The developer would like flexibility to lay out both ways, which would come in during the site plan approval process.

City Attorney **Todd Godfrey** noted that the language is inconsistent. **Isaacson** proposed adding a line that residential would be prohibited except as provided by the PMP, which **Godfrey** approved. **Petersen** noted the Planning Commission inserted Paragraph 5d. in the Development Agreement for energy efficient buildings, and setting the building permit date as an effective date. STACK recommended striking Paragraph 5e., the remote transit hub. He pointed out the difference between the July 9 PMP and the one in the packet that evening. The developer moved the orange up, and the PMP now shows residential nodes, consistent with the Planning Commission recommendations.

Mayor Talbot opened the Public Hearing. Nobody signed up to address the Council on the issue. **Mayor Talbot** closed the Public Hearing.

Councilwoman **Amy Shumway** asked the developer to justify seven stories in the tan area.

Bybee explained that the freeway visibility attracted them to this project, along with the ability to connect to the FrontRunner Station, which would reduce the number of vehicles needed, thereby reducing pollution. When that remote transit hub occurs, there will be a critical mass relying on transit to come and go. As such, the developer would like to create a residential feeling there for those who want access to transit and office in a walkable community. There needs to be amenities to get the density there that would make this project viable. He foresees restaurants, shopping, and a community draw where residents can participate in community events.

Isaacson said this is one of the most important things that will happen in Farmington in the lifetimes of the City Councilmembers, and is definitely not routine. He lives on Farmington's west side, which was mostly horse property when he moved in. While he is sad to see those fields fill with development, he understands it is inevitable because landowners have development rights. Therefore, the question is what is best to develop in this area, and he fully supports what is being proposed as it is in the best interest of the City. Utah is growing at a tremendous rate, and running out of land for people to live on. Farmington is 11 miles from an international airport, between Ogden and Salt Lake.

Mayor Talbot said there was a lot of naysayers when Station Park came long, but the Planning Commission and City Council stuck to their vision. Now, 12 years later, Station Park is a gem, and this proposal will add to that. Not one Council Member took this lightly, including the two who have put in a lot of work over the years and the three new members.

Councilman **Rebecca Wayment** said that although things looked silent tonight, there has been a lot of discussion leading up to tonight's decision. Just like it is hard to see a child grow up, Farmington is "growing up" out of agriculture and into something wonderful and beautiful for the community. This project has good parameters of what the City Council envisions for Farmington's future, while still maintaining what makes the City unique and quaint. This will give the current and future City Councils the ability to review things every time a schematic comes in.

Anderson said he can't think of any one thing the Council has spent more time on in past years. It may look like lack of excitement tonight, but the Council is running in exhausted. He said it has been fascinating to see all Council members come from their own differing viewpoints to a place where they are in agreement. While the proposal is not everything he wanted, there is enough there for him to be OK with it.

Isaacson said he has a few changes he would like to see included. **Godfrey** recommended making a motion to approve the PMP and DA with changes discussed previously in the study meeting and the one discussed in the regular Council meeting. The motion would also include that Staff make the changes, including the provision discussed on the ADL, then present them to **Isaacson** for review prior to signature.

Motion:

Anderson moved that the City Council adopt the recommendation of the Planning Commission as follows: approve the PMP and accompanying Development Agreement subject to all applicable Farmington City development standards and ordinances, and that the City Council shall rezone an acceptable amount of property abutting the center line of Spring Creek to OS, to include Findings for Approval 1-15. This is conditioned upon the approval of the Reimbursement Agreement by the RDA. This is subject to the changes that were addressed and agreed to by Staff and the developer in the previous work session and this meeting. Before execution, Staff will bring the draft to **Isaacson** to make sure it is consistent with these understandings.

Findings include:

1. The developer desires to leverage proximity to I-15 by proposing office buildings visible from the freeway. This may also significantly increase the viability of the office park thereby enhancing the community's likelihood of providing a daytime population for its retail areas and at the same time shoring up Farmington's property tax base, creating a more stable and diversified local economy for the future. Moreover, the project will provide more employment opportunities in Davis County, which may result in less congested modes of transportation and cleaner air for its residents.
2. The Union Pacific and FrontRunner embankments significantly block the ability to see the project area by the freeway passerby on I-15. The developer is asking that the City allow the possibility of taller buildings next to the interstate, and the City concurs that such buildings should be substantial enough to accommodate a good employment population.
3. Transit is a key element to ensure the mixed use office park's success. The North Farmington Station concept mirrors similar and existing successful projects across the country by providing a "front door/fixed transit stop" for its employees working and living in the area. The recommended PMP contemplates a one-stop shuttle directly linking the FrontRunner station to a remote transit hub in the heart of the proposed mixed use development.
4. The location of the principal five-lane, north-to-south street ("Commerce Drive") illustrated in the UDA plan, which street provides the necessary connectivity between the Park Lane Interchange area and the future Shepard Lane Interchange to ensure that the Park Lane interchange does not fail, must move further to the west to allow space for office buildings, etc. The shift causes a realignment, or ripple effect, to all streets in the area and provides causation for the City to consider an amendment to the regulating plan consistent with the PMP. The alignment is also consistent with plans presented at an open house by the City on June 2, 2020.
5. The UDA plan recommended that the City locate Commerce Drive to the east or west of the mixed use area (one side or the other), so as not to limit the walkability, human scale and vibrant, interactive, central magnet part of the mixed use district. A western shift in Commerce Drive just enough to allow space for the office building next to the freeway

places it too close to the center of the district, compromising the mixed use/pedestrian core. Therefore, the proposed PMP places Commerce Drive further to the west away from the middle.

6. The mixed use development begins with taller buildings next to I-15, then the height of the buildings steps down to lower density development near the D&RGW Trail, creating a lesser impact on single-family residential areas to the west.
7. The more successful office parks now nationwide provide a considerable/major residential component for their employees. Furthermore, such workers list housing and commercial uses integrated with, or in close proximity to, office uses as a significant reason to work for any given employer. The applicant's plan offers strong residential alternatives in the very core of their development within walking distance of work, transit, restaurant and recreation opportunities. [Note: STACK proposed to expand the Legacy Trail, a regional facility, north to the Haight creek Trail, and a cross-project trail adjacent to Spring Creek (which east-to-west system includes a village green/gathering area) connecting the two north-to-south regional trails: the Legacy Trail and the existing D&RGW Trail.]
8. The subject PMP proposes residential uses closest to the D&RGW Trail as a transition area between less dense single family residential neighborhoods to the west and more intense mixed use development to the east of the PMP, and residential uses in this transition area shall not exceed 36 feet in height to the ridge line of the roof. As a point of reference, many single family homes elsewhere in Farmington exceed this height, and the existing underlying zone without the requirements of this PMP allow for three-story buildings, which would likely surpass the 36-foot height threshold.
9. The PMP/Development Agreement caps the amount of possible residential acreage within the project to ensure that residential uses will only mix with part of the site, thereby not limiting the potential for office uses poised to occur in this prime real estate area between two freeway interchanges.
10. The general North Farmington Station PMP and Development Agreement is consistent with the stated intent and purpose of the Farmington City General Plan and Zoning Ordinance for this district, including a fine grained mix of uses such as office, retail, and residential, an emphasis on bringing activity to the street and enhancing walkability, placing parking to the rear of buildings, creating public spaces and roads, enhancing open space and connectivity, and providing a live/work/play environment, etc.
11. The initial PMP presented by STACK to the City, and the North Farmington Station traffic study, show some mix of uses in the tan and orange areas.
12. The proposed North Farmington Station PMP balances residential and retail, supporting the primary office use, which is the overarching intent of the OMU zone.
13. The fine grained mixture of uses proposed in the North Farmington Station PMP creates an office park that is unique to the State of Utah and will create a vibrant employment base for Davis County that fosters a live/work/play environment.
14. The proposed North Farmington Station PMP will help to diversify and balance the City's tax structure through expanding its commercial property tax base, instead of relying too heavily on residential property and commercial sales tax.

15. The proposed PMP and Development Agreement are 1) reasonably necessary, 2) in the public interest, and 3) consistent with the city general plan and in harmony with the objectives and purpose of the zoning ordinance.

Wayment seconded the motion. All Council members voted in favor, as there was no opposing vote.

REDEVELOPMENT AGENCY MEETING

Motion:

Councilman **Shawn Beus** made the motion to adjourn to the Redevelopment Agency Meeting. The motion was seconded by Councilman **Brett Anderson**, which was unanimously approved.

CALL TO ORDER:

Mayor **Jim Talbot** called the meeting to order at 8:05 p.m. Roll call established that all members were present.

STACK Real Estate/Wasatch Farmington Holdings Tax Increment Agreement for the Development of Land (ADL)

Assistant City Manager/Economic Development Director **Brigham Mellor** said minor changes were discussed in the study session, with “tax increment” defined in the latest draft, as well as reference to interest collecting on funds being set aside. Those changes will be incorporated and is not in the current packet. He said the commissioned study with an outside consultant as well as a representative from the regional economic development office provides conservative data detailing the economic impact and what money will be generated in the next 10 years. This project will increase residential property values, which will improve services provided by Farmington. It will create some 7,400 employment opportunities in a community where previously the largest employers were Lagoon and retailers at Station Park. This will bring North Station Park to the second largest employer. Currently a majority are employed outside Davis County, and the 22 minutes they currently commute each way is projected to increase to 60 minutes each way in the future. These future employment opportunities will create jobs in other neighboring cities. This project will also help create a daytime working population that will help sustain nearby Station Park.

The only amount that will go to the developer is what new property taxes they generate. If they don’t generate \$150 million of taxable value, they will not get a dime. Portions of the taxes from the increase in property valuation will likewise go to other taxing entities such as police, school, and sewer district, which will improve the services provided to the community. The project area is so big that it will take two Community Reinvestment Act (CRAs), with 1525 West as the dividing line, all with their own interlocal agreements, with a maximum of \$15 million and \$19 million respectively. That is a total of \$34 million in incentives over 20 years. The objective would be for the developer to be paid out early. Station Park, with its own RDA, was one of the best ever created, **Mellor** said. It will be the same situation for this project after COVID.

Mellor said the trigger date with the various tax entities will need to be extended to 2027. He, **Mayor Talbot** and City Manager **Shane Pace** have met with the School District to discuss this extension and have not had any objections so far. They plan to meet with the other entities as soon as they can, likely into the beginning of next calendar year. **Mellor** has also met with the County Auditor, whose opinion will weigh heavily on this. The office was optimistic so far.

Incentives will go toward infrastructure, including roads the City has to build as well as local roads the developer has to build, and the land under the roads that must be paid for. Other infrastructure includes street lighting, underground power, and sewer. This is a way to front the capital before they start collecting funds on the back end.

Mayor Talbot said this is good development that is good for both parties. The developer gets what they generate. It will hold the City in a good position, although not harmless. With the traffic going through neighborhoods to the new high school, Farmington needs to find a way to get cars out of the neighborhoods. The new roads will help with that, as well as the future business park.

Isaacson said as a practicing attorney, he spends a lot of time on contracts. He is trusting Staff to build the dream, which is Class A office space. **Beus** said this is a post-performance reimbursement agreement. If the project doesn't get built, the City is out nothing. If it gets built, all that money comes back. He loves the concept of a regional employment center.

Motion:

Anderson moved to approve the Agreement for the Development of Land (ADL) between the RDA of Farmington and STACK Real Estate, LLC/Wasatch Farmington Holdings, LLC provided approval is granted regarding the corresponding land use decisions from the City Council (namely a zone change, Project Area Master Plan, and a Development Agreement as outlined in and required in Title 11 Chapter 18 of Farmington City Municipal Code). This is conditioned on approval of the Reimbursement Agreement by the City Council and subject to the changes made in the study session discussed and agreed to by the City and developer, as well as incorporating the changes in the City Council meeting made thus far.

Wayment seconded the motion. All Council members voted in favor, as there was no opposing vote.

Mayor Talbot noted there had been very few changes made, and the changes had not been anything substantive.

Godfrey added a point of clarification, mentioning the addition of a mediation provision as discussed in the previous work session as well as the provision for **Isaacson** to review the changes prior to execution. **Anderson** agreed to include these in his motion.

Motion:

Wayment made a motion to adjourn and reconvene to an open City Council meeting. The motion was seconded by **Isaacson**, which was unanimously approved.

NEW BUSINESS:

Consideration for Adoption of a Resolution of the City Council of Farmington City, Utah, Authorizing the Issuance and Sale of not more than \$4,500,00 Aggregate Principal Amount of Sales and Franchise Tax Revenue Refunding bonds, Series 2020; and Related Matters

City Treasurer **Shannon Harper** presented this agenda item. Farmington has four existing bonds and an equipment lease purchase that are eligible for refunding: Sales Tax Revenue bonds of 2009 and 2015 for the police station, gym and park; 2018-2019 Excise Tax Revenue bonds for the 650 West park and baseball complex; and the 2014 purchase of a fire ladder truck. These combine to \$4.16 million of outstanding principal and interest.

Due to the current market environment, the City could save money by refunding these bonds at a lower interest rate. This would consolidate the existing debt into one bond with a low interest rate of 1.2 percent. This does not include new debt, or an extension on the terms of existing debt. It is a savings on interest. Staff feels that a direct purchase of the bonds would be advisable as it is currently taking upwards of eight weeks to receive an agency rating and the City may not be able to capture a lower rate or close during the current calendar year if they wait for an open market purchase. Capital One has made an offer for a direct purchase of these bonds. At the rate offered, the City would see an annual savings of roughly \$23,380 with a total savings of \$140,275. Documentation provided by **Marcus Keller**, assistant vice president at Zions Public Finance Inc., and Gilmore and Bell was provided.

Harper said tonight she needs a parameter resolution giving the mayor, city manager, and her the authority to move forward as long as they stay within the parameters set by the City Council: not to exceed \$4.5 million, eight years, 98 percent discount, and 5 percent interest rate.

Keller (1694 Country Pine Road, Farmington, Utah) said if the deal with Capital One fell through, the alternative would be a market option with a maximum 5 percent in coupon structures.

Motion:

Anderson moved to approve the Resolution authorizing the issuance and sale of not more than \$4,500,000 aggregate principal amount of Sales and Franchise Tax Revenue Refunding Bonds, Series 2020 and related matters including setting the public hearing for November 17, 2020. This is a parameters resolution with not to exceed \$4.5 million, eight years, a 98 percent discount, and 5 percent interest rate.

Councilwoman **Amy Shumway** seconded the motion. All Council members voted in favor, as there was no opposing vote.

GOVERNING BODY REPORTS:

City Manager Report

Pace presented the Monthly Fire Activity Report and Building Activity Report for September. He notified the Council that he, **Mellor**, and Assistant City Manager/City Engineer **Chad**

Boshell would be out of town for the rest of the week as they attended the Utah State Managers Conference in St. George. Finance Director **Greg Davis** will be in charge in their absence, along with **Petersen**, Police Chief **Wayne Hansen**, Fire Chief **Guido Smith**, and Public Works Director **Larry Famuliner**.

Pace brought up a bike accident on Park Lane and the D&RGW Trail. He sent an email to the traffic engineer so that he can provide his recommendations on all D&RGW crossings. After speaking with the investigating officer, **Pace** said the blame goes to the actual biker going into the intersection as there is no crosswalk in that location. The recommendation for Park Lane will be to do a crosswalk and flashing pedestrian signs on each side with buttons. That will happen in the next few weeks as signs have been ordered. A local company out of Centerville will be doing the striping very soon.

Anderson suggested that the rules of the road for bikers be a topic covered in a future City newsletter. He sees bikers blow through intersections, looking but not stopping, which he feels is aggressive biking. **Pace** said having buttons will require bikers to push them, and then wait, which would slow bikers down more. Future changes will not make it easier for bikers to travel this trail. In Kaysville, gates have been opened up only after flasher lights with buttons have been installed. Vision because of the sun, or going west at a certain time of the day, will always be a problem even with flashers.

Beus said serious bikers don't use the Rail Trail; they use backstreets or Legacy Parkway. As a biker, he said the most important thing is painting the crosswalks. **Mayor Talbot** said this is truly the definition of an accident, and his heart goes out to both the driver, whose life will never be the same, and the Bountiful family who lost a grandfather.

Pace noted that he checked into the timing of traffic lights at Shepard Lane that **Shumway** had brought up two weeks earlier. There are pedestrian buttons on the section next to Highway 89, but the contractor needs to retime those lights. A consultant watched and identified that there is backing up between the two lights, so the future timing will eliminate that in the next two weeks.

Pace said the office remodel is finished upstairs, and the employees have moved in. It turned out well and has spread the employees out a bit. **Mayor Talbot** said **Pace** has been very conservative regarding the office remodel, but the mayor was taken aback when he saw the condition of **Pace's** furniture. Nothing matches, it is hodge podge, and it is not becoming, **Talbot** said. He insisted that **Pace** get a desk and credenza so his office is professional for those coming in to consult with him. After talking with **Davis**, **Talbot** said the money can be made available. **Davis** agreed. The Council members all gave a thumbs up to this effort.

Pace said an additional City Council meeting would be needed October 27 following the Planning Commission's October 22 meeting. There are a number of planning issues that need to stay on schedule.

Godfrey suggested that the approval of the ADL be added to the City Council's consent agenda, without a public hearing. Tonight only the RDA Board approved the ADL, but the City Council needs to approve it as well.

Mayor Talbot and City Council Reports

Beus said he is hoping the Fiore project could be a potential affordable housing candidate. The Mosquito Abatement District is requesting CARES funding from cities. They had an issue spraying this month, as the provider had issues with how close they were flying to the ground further west. The provider is expecting a payment, but the District is trying to reduce it for service not done. The Historic Preservation Commission is still accepting applications. There was discussion on if the bylaws should require Commission members to live in the City or not.

Wayment said that since the employee Christmas party will be cancelled, there should be an effort to give employees a thank you gift instead. **Mayor Talbot** said the City will do something conservative, and he is sad to cancel his favorite party of the year.

Shumway said she would like to see the gates on the Rail Trail opened up, as they are very tight to get around. **Pace** said they would after the crosswalks are in.

Anderson asked where to direct someone interested in developing an RV park in the City. **Pace** suggested to direct him to City Staff and **Petersen**.

Isaacson mentioned the recent windstorm that had claimed a lot of trees in the City, and asked if it was possible to have a tree planting project next year. He would like to see it start on the west side with Sycamore trees. **Pace** said there is money in the budget every year for tree planting.

Mayor Talbot presented a list of the local businesses that were awarded CARES money. **Mellor** provided the list. He informed the Council that the City will not be holding a Veteran's event this year.

ADJOURNMENT

Motion:

Beus made a motion to adjourn the meeting. **Shumway** seconded the motion, which was unanimously approved.

Holly Gadd, Recorder